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PTO/SB/17 (10-04v2)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 230.00

Complete if Known

Application Number	09/847,999
Filing Date	May 4, 2001
First Named Inventor	Gerald INGRAM et al.
Examiner Name	Khanh B. Pham
Art Unit	2177
Attorney Docket No.	43799-204796

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METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

22-0261

Deposit Account Name

Venable LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	\$130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	x	=
Multiple Dependent	** =	x	=

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

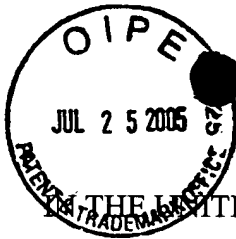
SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Edward W. Yee	Registration No. (Attorney/Agent)	47,294	Telephone	(202) 344-4000
Signature	Edward W. Yee	Date	July 25, 2005		



#28

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In re application of: INGRAM, et al.

Appl. No. 09/847,999

Confirmation No. 7592

Filed: May 4, 2001

For: ENHANCED HYPERLINK

Art Unit: 2177

Examiner: Pham, Khanh B.

Atty. Docket No. 43799-204796

Customer No.

26694

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BOARD OF PATENT APPEALS
AND INTERFERENCES

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Request for Allowance and Petition Under 37 C.F.R. §1.183

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Final Office Action dated November 6, 2003, Applicants request that the captioned application be passed to allowance.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are needed to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims), and any other fee deficiency are hereby authorized to be charged, any overpayments credited to, our Deposit Account No. 22-0261.

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Remarks

All pending claims of the captioned patent application, claims 31-33, were rejected by the Examiner in the November 6, 2003 on two bases. First, all pending claims were rejected under 35 U.S.C. §103(a) as being obvious over art cited by the Examiner. Second, all pending claims were provisionally rejected under 35 U.S.C. §101 as claiming the same invention as claims 174-176 of U.S. Patent Application 09/594,786 (referred to hereinafter as the '786 application).

The rejection under 35 U.S.C. §103(a) was appealed to the Board of Patent Appeals and Interferences (Appeal No. 2004-2266). In the Decision on Appeal, the BPAI reversed the decision of the Examiner with regard to the rejection of claims 31-33 under 35 U.S.C. §103(a). Decision on Appeal, May 26, 2005, Paper No. 27, pp. 7, 8.

As for the provisional double patenting rejection under 35 U.S.C. 101, the BPAI sustained this rejection *pro forma*. Claims 174-176 of '786 application have been canceled, however. Amendment and Reply, August 26, 2004, p. 3, U.S. Patent Application 09/594,786. As stated by the Examiner in the present application, "A statutory (35 U.S.C. §101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope." Office Action, November 6, 2003, Paper No. 11, p. 9, U.S. Patent Application 09/847,999. Because claims 174-176 of '786 application have been canceled, there are no "conflicting

claims" still pending. The double patenting rejection of the present application has therefore been overcome.

In summary, the rejection of the pending claims under 35 U.S.C. §103(a) has been reversed by the BPAI, and the double patenting rejection under 35 U.S.C. §101 has been rendered moot in light of the timely cancellation of the conflicting claims in the '786 application. For these reasons, the applicants respectfully request that the captioned application be passed to allowance.

In the event that the Examiner does not pass the application to allowance, applicants hereby petition for a Suspension of the Rules under 37 C.F.R. §1.183. In light of the circumstances outlined above, justice requires that the present application be passed to allowance and not be abandoned. All rejections of the pending claims have either been reversed by the BPAI or timely rendered moot. An abandonment of the application instigated by the USPTO would represent an injustice, given that no grounds for rejection remain.

Application No.: 09/847,999
Applicants: INGRAM *et al.*

Conclusion

The rejection of the pending claims under 35 U.S.C. §103(a) has been reversed by the BPAI, and the double patenting rejection under 35 U.S.C. §101 has been rendered moot in light of the cancellation of the conflicting claims in the '786 application. For these reasons, the applicants respectfully request that the captioned application be passed to allowance.

If the Examiner believes, for any reason, that personal communication will expedite allowance of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the Request is respectfully requested.

Respectfully submitted,

Date: July 25, 2005

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